IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2283 OF 2002

IN

SUIT NO. 2865 OF 2002

Ashiruddin Shaikh R. Shaikh ..Plaintiff

versus

Mobiuddin S. R. Shaikh ..Defendant

Mr. Y. R. Dube for the Plaintiff.

None for the Defendant.

CORAM : D. G. DESHPANDE,J.

DATE : 28TH OCTOBER 2004.

P.C. :

1. Heard learned counsel for the Plaintiff. No ad interim order was granted to the plaintiff. The agreement of the plaintiff is dated 9.11.1997 and the suit was filed in 2002. The vehicle stands in the name of the defendant, even at that time. Suit of the plaintiff is for recovery of the vehicle or its equivalent price, and the notice of motion is for restraining the defendant from selling the vehicle. If at all the defendant wanted to sell the vehicle that must have been sold it after ad interim order was refused to the plaintiff. Therefore, nothing is left in the notice of motion. Notice of motion is dismissed without prejudice to the plaintiff’s contentions and rights in the suit.

* * * * * *